

LAW OFFICES OF JOEL B. RUDIN, P.C.

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April 22, 2016

ECF

Honorable Ramon E. Reyes
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Brown v. City of New York, et al.*
No. 15 Civ.4488 (KAM)(RER)

Dear Judge Reyes:

This office, along with our co-counsel, Amy Rameau, Esq., represents Allen Brown, the Plaintiff herein. This is a letter-motion to compel document discovery that defense counsel, at the conference on March 30, 2016, promised to provide within a week, but which he still has not provided. I have conferred with counsel, Karl Ashanti, and we have been unable to resolve our differences. He says he will produce the materials, but he has continually made that promise and they have not been produced.

This is a civil rights case involving allegations that the defendants, police officers, used excessive force and falsely arrested plaintiff. At the March 30 conference, defense counsel promised to produce within a few days Internal Affairs Bureau records of its investigation into the matter. He indicated the records consisted of hundreds of pages, and he just needed time to review and redact them. Plaintiff had been requesting these records since serving his document demand on November 17, 2015. The court fixed a deadline of May 20, 2016, for the parties to report back on the status of the case, as the defense indicated that, after promptly disclosing the documents, it would depose plaintiff and then consider whether to make a settlement offer that might make further depositions unnecessary.

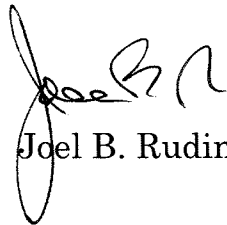
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On April 13, 2016, after assuring plaintiff that it would comply with its discovery commitment promptly, the defense produced a series of IAB photographs of the arrest scene and of plaintiff, through nine emails, one or two photos per email. Defense counsel indicated that disclosure of documents would involve many more emails because they were so voluminous. I requested that such disclosure be made on a computer disk as disclosure in this fashion was extraordinarily burdensome. Defense counsel said this would cause some delay. It is now nine days later and, despite my several requests, counsel has neither made the production nor indicated when such disclosure will occur.

I write to request an order that the defense provide the discovery, either in hard copy or on a computer disk, by April 29, 2016, or a date fixed by the court. If, in the interim, the defense complies, I will, of course, withdraw this motion. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel B. Rudin", with a large, stylized flourish extending from the bottom left.

Joel B. Rudin

JBR/tp

cc: Karl J. Ashanti, Esq. (by ECF)
Assistant Corporation Counsel

Amy Rameau, Esq. (by ECF)
Co-Counsel for Plaintiff